

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J.A. CASTRO,

Plaintiff,

v.

**JOHN DOE 1 (AKA ‘CHETFORD’) AND
WIKIMEDIA FOUNDATION, INC.,**

Defendants.

Case No.: 4:23-mc-80198-YGR

**ORDER TO SHOW CAUSE WHY THE COURT
SHOULD GRANT THE MOTION TO COMPEL**

Dkt. No. 1, 31, and 36

Plaintiff John Anthony Castro, a lawyer from Texas who is a candidate for the Republican nomination for President of the United States, brought the pending motion to compel third-party defendant Wikimedia Foundation, Inc., to comply with a subpoena filed in *J.A. Castro v. John Doe I, et al.*, Case No. 4:23-cv-613-P, a defamation case pending in the United States District Court for the Northern District of Texas. The subpoena seeks to compel Wikimedia to reveal the identity of John Doe 1, a.k.a. “chetsford,” a Wikipedia contributor that plaintiff alleged defamed him.

This Court referred the pending motion to Magistrate Judge Hixson, who initially recommended this Court deny the motion because plaintiff was not authorized to seek discovery in the underlying Texas action under Fed. R. of Civ. P. 26(f). (Dkt. No. 25.) In response, plaintiff filed an objection and attached as an exhibit an ECF notification demonstrating that the Northern District of Texas had granted his Emergency Motion for Leave to Conduct Early Discovery. (Dkt. No. 26.) Magistrate Judge Hixson then vacated the previous Report and Recommendation and issued a new one recommending that this Court instead grant the pending motion to compel. (Dkt. No. 31.) Both Wikimedia and John Doe 1 have objected. (Dkt. Nos. 33 and 34.) Plaintiff, in turn, filed a motion for an expedited order. (Dkt. No. 36.) In that motion, he revealed that he had filed a third-amended

1 complaint in the underlying Texas action to “strategically moot Defendant John Doe 1’s
2 objections.” (*Id.*)

3 To start, plaintiff’s motion to expedite is **DENIED**. The Court will resolve this matter in due
4 course.

5 Moreover, the Court has looked over the public docket in the underlying Texas action. The
6 Court notes that, in his initial complaint, plaintiff stated that as relief he sought to compel
7 Wikimedia to reveal the identity of John Doe 1. (23-cv-613-P at Dkt. No. 16 and 17.) In plaintiff’s
8 third-amended complaint, however, he states that he no longer seeks any remedy against John Doe
9 1 but instead names him as a “nominal defendant.” (*Id.* at Dkt. No. 36.) Initially, defendant John
10 Doe 1 filed a motion to reconsider the grant of early discovery. (*Id.* at Dkt. No. 23.) After plaintiff
11 filed his third-amended complaint, however, the Northern District of Texas denied John Doe 1’s
12 motion for reconsideration as “moot.” (*Id.* at Dkt. No. 38.)

13 The Court requires additional briefing. Plaintiff shall file a brief of no more than three
14 pages by **December 14, 2023**, explaining why the motion to compel is not mooted by his third-
15 amended complaint in the underlying Texas action given that he now concedes that he does not
16 seek any remedy against John Doe 1. Failure to do so will be taken as a concession that the motion
17 to compel should be summarily denied. Defendants John Doe 1 and Wikimedia may file a response
18 of no more than three pages each by **December 21, 2023**.

19 This terminates Docket No. 36.

20 **IT IS SO ORDERED.**

21 Date: **November 30, 2023**

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23 YVONNE GONZALEZ ROGERS
24 UNITED STATES DISTRICT COURT JUDGE
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